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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,205	03/20/2001	Gregg S. Schmidtke	10013284-1	1959

7590 08/01/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STRECKER, GERARD R

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/813,205

Applicant(s)
Schmidtke et al.

Examiner
Gerard Ströcker

Art Unit
2862



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 13, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other: _____

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Applicant's election without traverse of the invention of Group I (claims 1-19) in Paper No. 8 is acknowledged.

Claims 20 and 21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 8.

With respect to the U.S. Patent applications listed on form PTO of Applicants' IDS filed 3/20/01, the corresponding patents which have issued from these applications have been listed on the "Notice of References Cited" (PTO 892) accompanying this action.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: In the description of Fig. 1 at pages 9 and 10, there is no mention of the number 372 shown in Fig. 1. At page 11, line 35, the number 156 is not shown in Fig. 2 and the number 164 (shown in Fig. 2) is not mentioned. On page 13; at line 12, "(Fig. 4)" should preferably appear after "336" instead of after "334". In addition, the number 334, used to identify the second sidewall in Fig 4, also identifies a hole (line 19) in Figs. 3 and 6. Note also the reference to hole 334 at page 18, lines 6 and 10. At page 14, line 37 and page 15, lines 1-5, it is not clear how tapered wall portion 202 facilitates transmission of the imaging light beam from the target to the lens assembly. At page 15, line 35, is the angle "g" intended to be shown in Fig. 6? At page 16, line 34, "274" is not shown in Fig.8. Note also reference to "274" at page 20, line 2. On page 17; at line 13, "210" (second occur.) should be ---

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200 --- and at line 14, "200" should be ---212---. On page 18; at line 4, "256" should be ---258 --
-. At line 10, "304" should be ---314 ---. At page 19, line 11, a word is missing between "to" and
"the".

Appropriate correction is required.

Claims 2, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite
for failing to particularly point out and distinctly claim the subject matter which applicant regards
as the invention.

In claims 2 and 3 it is not clear how the photo sensor assembly is related to the lens
assembly and how the photo sensor assembly reference surface is related to the first and second
reference surfaces. In claim 9, it is not clear how the light source is related to the lens assembly of
claim 1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the
invention by the applicant for patent, except that an international application filed under the treaty defined in
section 351(a) shall have the effect under this subsection of a national application published under section
122(b) only if the international application designating the United States was published under Article 21(2)(a)
of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this
subsection based on the filing of an international application filed under the treaty defined in section 351(a).

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10-12 and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Harrigan et al (6,069,752).

With respect to apparatus claims 1 and 3-8, Harrigan et al (Figs. 1, 2 and 6-8) discloses an imaging apparatus comprising: an imaging apparatus housing 84, said housing (see col. 8, beginning at line 61) comprising (Fig. 7) a first reference surface (one of surfaces 82a), a second reference surface (corresponding one of surfaces 82b), a third reference surface (other one of surfaces 82a), and a fourth reference surface (corresponding other one of surfaces 82b). As can be seen from fig. 7, the corresponding first and second surfaces 82a and 82b are coplanar and a recess is formed therebetween. Likewise, the corresponding third and fourth surfaces are coplanar and formed with a recess therebetween. The first and third surfaces together form a V-shaped configuration as do the second and fourth surfaces. A lens assembly 80 having a cylindrical outer profile (80a, 80b) is in contact with the reference surfaces. With respect to method claims 10-12 and 14-18, the reference surfaces 82a and 82b are used to align the lens of the lens assembly.

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Claims 1-4 and 9-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashe et al (6,178,016).

With respect to apparatus claims 1-4 and 9, Ashe et al discloses (Figs. 2-8) an imaging apparatus 50 comprising: an imaging apparatus housing (70, 72, 74, 64), said housing comprising a first reference surface (one of spring biased pressure pads 105), a second reference surface (other one of spring biased pressure pads 105) coplanar with said first reference surface and separated by a recess; a cylindrical lens assembly 76 in contact with the first and second reference surfaces; and a photo sensor assembly (63, 66) in contact with a surface of housing portion 64 (Figs. 6 and 8). With respect to claim 9, the reference surfaces 105 are integrally formed in wall member 74 (lower body portion of housing 70) via collar segment 103, and retention arm 106 of wall member 74 (Fig. 5) constitutes a mounting mechanism. Mirror 90, which may be characterized as a light source, is mounted on arm 106. With respect to method claims 10-15, the lens 77 of lens assembly 76 is aligned using reference surfaces 105. See col. 4, line 63-col. 5, line 27.

Claims 5-8 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashe et al in view of Harrigan et al.

It would have been obvious to one skilled in the art, at the time of the invention, to provide the imaging apparatus of Ashe et al with a different type of reference surface arrangement for supporting and aligning the lens assembly, such as the V-shaped, four surface configuration disclosed by Harrigan et al. A four surface support configuration would provide a more stable

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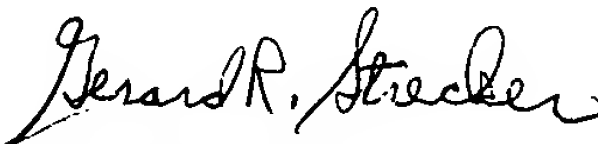
support for the lens assembly and eliminate the need for spring biasing the pair of pad reference surfaces.

Naiki et al and Bedzyk are made of record to show adjustably mounted lens assemblies.

Any inquiry concerning this communication should be directed to G. R. Strecker at telephone number (703) 305-4937.

G R STRECKER/pj

07/29/03


GERARD R. STRECKER
PRIMARY EXAMINER